

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc., et al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

---

Blue Spike, LLC,

*Plaintiff,*

v.

Ingersoll-Rand Company,

*Defendant.*

CASE NO. 6:13-cv-108 MHS

CONSOLIDATED CASE

Jury Trial Demanded

---

**ORDER DENYING INGERSOLL-RAND COMPANY'S MOTION TO DISMISS  
COMPLAINT FOR FAILURE TO STATE A CLAIM**

On this day came for consideration Defendant Ingersoll-Rand Company's ("IRC's") Motion to Dismiss Plaintiff Blue Spike, LLC's Complaint in the above-captioned proceeding for failing to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). Having considered both IRC's motion and supporting papers and Blue Spike, LLC's opposition and supporting papers, the Court is of the opinion that said motion should be GRANTED, in PART, and DENIED, in PART, as follows:

1. Defendant's motion is DENIED as to Plaintiff's claims for direct infringement, induced infringement, and contributory infringement as Plaintiff has pleaded these claims with sufficient specificity.
2. Defendant's motion is GRANTED as to Plaintiff's claim for willful infringement. However, Blue Spike may amend its complaint at a future date if it uncovers factual support for a claims of willful infringement.

IT IS SO ORDERED.